

Amendments to the Drawings:

Please replace the drawing sheets containing Figs. 1-8G with the attached Replacement Sheets containing corrected Figs. 1-8G. Specifically, Figures 1-8G have been replaced with formal drawings. No new matter has been added.

REMARKS/ARGUMENTS

This paper is responsive to the non-final Office Action of mailing date March 23, 2007. Reconsideration and allowance of the instant application are respectfully requested. consideration. Claims 1-18 remain pending upon entry of the present paper and claims 19-38 have been withdrawn. Claims 1 and 9 have been amended. No new subject matter has been added.

Amendments to the Specification

In accordance with the Office Action at page 2, Applicants have amended the abstract so as to present the abstract in a preferred form by eliminating extraneous (legal) phraseology. Furthermore, as per the request found on page 2 of the Office Action, Applicants have amended the specification to update the status of the related applications (found in the disclosure, page 1).

Amendments to the Drawings

In accordance with the Office Action at pages 2-3, Applicants submit herewith revised drawings, compliant with 37 CFR 1.121(d), so as to provide for clear labels with respect to Figures 1-3. Additionally, please replace the drawing sheets containing Figs. 1-8G with the attached Replacement Sheets containing corrected Figs. 1-8G. Specifically, Figures 1-8G have been replaced with formal drawings. No new matter has been added.

Rejections Under 35 U.S.C. § 102

Claims 1, 5-7, 9-11, and 15-17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Harris et al. (U.S. patent no. 6,331,972, hereinafter Harris). This rejection is respectfully traversed.

Amended independent claim 1 recites, among other features, "initiating from the first node a first communications command in a peer protocol format *addressed* to the second node; initiating from the second node a second communications command in the peer protocol format *addressed* to the first node . . ." Harris fails to teach or suggest the recited features. Instead, Harris demonstrates a system of peers 20, wherein a broadcasting peer 20 attempts to acquire resources/needs by broadcasting a need/capability message 64 containing a needs specification

70, wherein needs specification 70 is a list of network needs currently experienced by the broadcasting peer 20. See Harris at col. 9, lines 4-67. Notably, Harris at col. 9, lines 35-51 indicates that a setup connection is not addressed to any particular peer 20 of network 22; rather, it is broadcast from the peer 20 making the attempt and will be received by all peers 20 within a detection zone 28 of the broadcasting peer 20. See Harris at Fig. 1 for an indication of the relationship between peers 20 and detection zone(s) 28. Thus, Harris fails to teach or suggest the features indicated above, and recited in claim 1. Instead, Harris operates on the basis of a broadcast messaging/signaling. See Harris at col. 9, lines 44-51, wherein Harris demonstrates that the broadcast signal need not be answered by another peer 20 even when another peer 20 is in detection zone 28; moreover, the broadcasting peer 20 need not know if any other peer 20 can receive the broadcast signal. See also Harris at col. 11, lines 17-20, wherein it is stated that a peer 20 may make connections within network 22 without using network-unique addressing. Thus, Harris teaches away from the recited features, because Harris makes use of broadcast messaging to engage in communications, wherein the broadcast messages are not addressed to a specific peer 20. Claim 1 is allowable for at least these reasons.

Amended independent claim 9 recites, among other features, "an initiator for initiating a first communications command in a peer protocol format *addressed* to the second node. . . ." This feature is similar to those described above with respect to claim 1. Claim 9 is patentably distinguishable over Harris for at least the same reasons discussed above with respect to claim 1.

Dependent claims 5-7, 10-11, and 15-17, which each depend from at least one of independent claims 1 and 9, are allowable for at least the same reasons as their respective base claims, and further in view of the additional advantageous features recited therein.

Rejections Under 35 U.S.C. § 103

Claims 2-4, 8, 12-14 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Harris, in view of Ruckley et al. (U.S. patent no. 6,360,277, hereinafter Ruckley). This rejection is respectfully traversed.

Ruckley is directed to an intelligible relay that is capable of being accessed by a controller via a network using a unique component address. See Ruckley Abstract and col. 6, lines 6-17. Notwithstanding whether the proposed combination of Harris and Ruckley results in

the features as recited in the referenced claims, Applicants submit that one of ordinary skill in the art would not have been motivated to combine Harris and Ruckley in the manner alleged in the action. More specifically, Harris, as demonstrated above, relies on broadcast messaging to acquire the resources/capabilities it needs. Conversely, Ruckley engages in a unique component addressing scheme. To combine Ruckley and Harris, with respect to addressing, would necessitate altering the principle of operation (e.g., the broadcast messaging) present in Harris. Applicants submit that the present case is analogous to *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959), wherein it was held that if a proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. See also MPEP § 2143.01 (VI. The Proposed Modification Cannot Change The Principle Of Operation Of A Reference). Thus, claims 2-4, 8, 12-14 and 18, which each depend from at least one of claims 1 and 9, are allowable for at least the same reasons as their respective base claims, and further in view of the additional advantageous features recited therein.

CONCLUSION

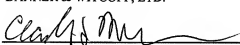
It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. Applicants request that correspondence with respect to this application be directed to the addressee of record as per Customer Number 46901.

Respectfully submitted,
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